

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-01/09

Date: 2 April 2015

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Chang-ho Chung

**SITUATION IN DARFUR, SUDAN
IN THE CASE OF**

The Prosecutor v Omar Hassan Ahmad AL BASHIR ("Omar Al Bashir")

**Public document
with Public Annex A**

Prosecution's Notification of Travel of Suspect Omar Al Bashir in the Case of *The Prosecutor v Omar Al Bashir*

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

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Legal Representatives of Victims

Mr Nick Kaufman

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**Unrepresented Applicants for
Participation/Reparation**

Unrepresented Victims

**The Office of Public Counsel for
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States Representatives

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Registrar

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Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. The Office of the Prosecutor (“Prosecution”) hereby notifies Pre-Trial Chamber II (“Chamber”) of the intended visit by Omar Al Bashir to the Republic of Indonesia (“Indonesia”). According to media reports, Omar Al Bashir is expected to visit Indonesia on 19-24 April 2015 for the 60th Commemoration of the Asian-African Conference, also known as the Bandung Conference.¹

2. The Prosecution requests that the Chamber take all necessary steps to ensure that the arrest warrants against Omar Al Bashir are executed. In particular, the Chamber should seek information from the relevant authorities of Indonesia regarding the visit of Omar Al Bashir and remind them of the existence of warrants of arrest against Omar Al Bashir for crimes under the Rome Statute. The Chamber should also remind the relevant authorities of the decision of the Security Council in Resolution 1593 (2005) urging “all States” to cooperate fully with the Court and the Prosecutor.

Procedural Background

3. On 31 March 2005, the United Nations Security Council acting under Chapter VII of the Charter of the United Nations adopted Resolution 1593 (2005) referring the situation in Darfur to the Court. The United Nations Security Council decided in the context of cooperation with, and assistance to, the Court that it “...while recognizing that States not party to the Rome Statute have no obligation under the Statute, urges all States and concerned regional and other international organizations to cooperate fully”.²

¹ See Annex A.

² Resolution 1593 (2005), adopted by the Security Council at its 5158th meeting, on 31 March 2005 S/RES/1593 (2005), Operative Paragraph 2.

4. On 14 July 2008, the Prosecution filed its application for an arrest warrant for Omar Al Bashir.³ On 4 March 2009, Pre-Trial Chamber I issued an arrest warrant for Omar Al Bashir for seven counts of crimes against humanity and war crimes. In the arrest warrant, Pre-Trial Chamber I found that “under article 58(1) of the Statute, the arrest of Omar Al Bashir appears necessary at this stage to ensure (i) that he will appear before the Court; (ii) that he will not obstruct or endanger the ongoing investigation into the crimes for which he is allegedly responsible under the Statute; and (iii) that he will not continue with the commission of the above-mentioned crimes.”⁴

5. On 5 and 6 March 2009, the Registry submitted three filings to Pre-Trial Chamber I, detailing transmission of the warrant of arrest and the requests for its implementation to the Government of the Republic of the Sudan (“the Sudan”),⁵ to all Rome Statute States Parties⁶ and to all United Nations Security Council members that are not States Parties to the Rome Statute.⁷

6. On 12 July 2010, Pre-Trial Chamber I issued a second arrest warrant for Omar Al Bashir for three counts of genocide.⁸ The Registry subsequently transmitted requests and supplementary requests for the arrest and surrender of Omar Al Bashir to States Parties, Non-States Parties Members of the United Nations Security Council and the Sudan.

7. This is the first notification the Prosecution has filed in relation to expected travel by Omar Al Bashir to Indonesia.

³ ICC-02/05-157.

⁴ ICC-02/05-01/09-1.

⁵ ICC-02/05-01/09-5.

⁶ ICC-02/05-01/09-7.

⁷ ICC-02/05-01/09-8.

⁸ ICC-02/05-01/09-95.

Reports of Omar Al Bashir's planned travel to Indonesia

8. According to media reports, in March 2015 Omar Al Bashir received an invitation from the President of Indonesia, His Excellency Joko Widodo, to participate in the commemoration of the 60th anniversary of the 1955 Asian-African Conference taking place in Indonesia.⁹ As reported in the media, the event is scheduled to take place during the period of 19 to 24 April 2015 in Bandung and Jakarta, the capital city of Indonesia,¹⁰ during which the Government of Indonesia will host a series of high level events, including the Leaders Meeting on 22 and 23 April.¹¹

9. The invitations to Omar Al Bashir and the Sudanese Minister of Foreign Affairs, Ali Ahmed Karti were reportedly delivered to the Sudanese State Minister for Foreign Affairs, Dr. Obeidalla Mohamed Obeidalla by the Indonesian Ambassador to the Sudan, during their meeting in Khartoum.¹²

10. The Prosecution considers that the reports of Omar Al Bashir's expected travel to Indonesia are credible and warrant intervention by the Chamber.

Relief Sought

11. The Prosecution requests that the Chamber take steps to ensure that the arrest warrants are executed. In particular, the Chamber should seek information from the relevant authorities of Indonesia regarding the possible visit of Omar Al Bashir and

⁹ See Annex A (<http://suna-sd.net/new/suna/showNews/239112/en>, <http://www.sudantribune.com/spip.php?article54387>, and <http://www.tvcnews.tv/?q=article/rights-groups-criticise-indonesia%E2%80%99s-invite-sudanese-president> - last visited on 2 April 2015).

¹⁰ See Annex A (<http://indonesia.travel/en/event/detail/1038/grand-60th-commemoration-of-asian-african-conference-planned-in-bandung-and-jakarta> - last visited on 2 April 2015).

¹¹ See Annex A (<http://www.aacc2015.id/?p=about> - last visited on 2 April 2015). According to the published agenda of the Commemoration, the Asian African Summit is scheduled to take place on 22 and 23 April in Jakarta - see <http://www.aacc2015.id/?p=agenda>.

¹² See Annex A (<http://suna-sd.net/new/suna/showNews/239112/en> and <http://www.albashir.sd/en/index.php/news/300-president-al-basher-receives-invitation-to-participate-in-bandong-summit-in-jakarta.html> - last visited on 2 April 2015).

remind those authorities of the existence of warrants of arrest against Omar Al Bashir for crimes under the Rome Statute. The Chamber should also remind the relevant authorities of the decision of the Security Council in Resolution 1593 (2005) urging “all States” to cooperate fully with the Court and the Prosecutor.



Fatou Bensouda, Prosecutor

Dated this 2nd day of April 2015

At The Hague, The Netherlands